

ASBESTOS

BACKGROUND:

- Asbestos is a substance of concern being addressed at both the state and federal level. Existing federal (EPA, OSHA, CDC) requirements help ensure proper management and safe disposal of asbestos-containing building material.
- Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations specify work practices for asbestos during demolition and renovation of certain structures, installations, and buildings. These work practice standards are designed to minimize the release of asbestos fibers during building demolition or renovation, waste packaging, transportation and disposal.
- Asbestos Hazard Emergency Response Act (AHERA) (TSCA Title II) prevents or reduces asbestos hazards in school buildings.
- Generally, TSCA does not give EPA the authority to regulate the non-commercial use of items already within a home. EPA has extensive guidance for homeowners that gives them the tools and information they need to protect themselves and is available on EPA's webpage under asbestos.
- Additional state and local regulations extend beyond the federal requirements to address asbestos in buildings.

KEY POINTS:

- On December 19, 2016, EPA designated Asbestos as one of the first 10 chemical substances for which EPA is conducting a risk evaluation. Legacy uses, associated disposals, and legacy disposals will be excluded from the risk evaluation. These include asbestos containing materials that remain in older buildings or are part of older products but for which manufacture, processing and distribution in commerce are not currently intended, known or reasonably foreseen.
- EPA proposed a Significant New Use Rule (SNUR) for uses of asbestos that were occurring in 1989 but have subsequently phased out. EPA is proposing to ensure that manufacture, import, or processing for these currently unregulated new uses identified in the SNUR are prohibited unless reviewed and approved by EPA. EPA's proposed new review process empowers EPA to take action, including prohibiting the intended use.
- Senators Durbin, Feinstein, and Tester wrote in support of including asbestos on the initial list.

Commented [BE1]: Anything more recent?

TALKING POINTS:

- EPA is focusing its risk evaluation on asbestos currently manufactured, imported, processed or distributed in the United States, which falls within the agency's TSCA jurisdiction. Many existing Federal and State regulations protect against asbestos exposure from legacy uses.
- EPA's proposed Significant New Use Rule would immediately prohibit certain unregulated uses of asbestos and require a review from EPA which may result in restrictions, including continued prohibition. Without this SNUR, these uses can commence in the US at any time without review and regulation from EPA.